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8 **UNITED STATES DISTRICT COURT**
9 **DISTRICT OF NEVADA**

10 UNITED STATES OF AMERICA,
11 Plaintiff,
12
13 v.
14 ALBERT LANDAVERDE,
15 Defendant.

Case No. 2:19-MJ-935-BNW

**STATUS REPORT AND
STIPULATION TO CONTINUE
STATUS CHECK**

16 The United States, by and through Special Assistant United States Attorney Rachel
17 Kent, and Assistant Federal Public Defender Robert O'Brien, counsel for Albert Landaverde,
18 hereby submit this joint status report and stipulation to continue the status check hearing
19 currently set for March 11, 2021 (ECF No. 23).

20 1. On February 19, 2020, Defendant Albert Landaverde pled guilty to the charge
21 of Driving Under the Influence. ECF No. 14. The Court then sentenced Mr. Landaverde to a
22 term of 12 months unsupervised probation with the following special conditions: (a) complete
23 DUI School with Victim Impact Panel, (b) complete 84 hours of community service, (c) pay
24 fines totaling \$510.00, (d) have no adverse contact with law enforcement, (e) refrain from Lake
25 Mead National Recreational Area for a period of 6 months. *Id.*;
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2. As of October 2020, Mr. Landaverde has been in jail in Los Angeles on a pending California state charge. A review of the docket in his pending Los Angeles County, California case (POMKA 125723-01) shows that the Court had significant concerns for his mental health and referred him for a competency evaluation. As of the filing of this status report and stipulation, his competency has not been determined and/or restored; and

3. The parties seek additional time to address the appropriate resolution given Mr. Landaverde's status in California before having a hearing before the Court.

Therefore, IT IS HEREBY STIPULATED AND AGREED, by and in response that the status check currently scheduled on March 11, 2021, be vacated and continued to a date and time convenient to the Court, but no sooner than sixty (60) days.

This Stipulation is entered into for the following reasons:

1. To allow additional time for defense counsel to gather information regarding Mr. Landaverde's competency status, mental health, and California case status to determine whether it is appropriate to (a) ask this Court to impose concurrent time and close this case or (b) allow Mr. Landaverde to complete his requirements after he is released;

2. Mr. Landaverde is not currently in California state custody and is unable to complete the requirements ordered by this Court;

3. The parties jointly seek this continuance.

This is the third request for a continuance of the status check hearing.

February 26, 2021.

RENE L. VALLADARES
Federal Public Defender

NICHOLAS A. TRUTANICH
United States Attorney

By Robert O'Brien
ROBERT O'BRIEN
Assistant Federal Public Defender

By Rachel Kent
RACHEL KENT
Special Assistant United States Attorney

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2 **UNITED STATES DISTRICT COURT**
3 **DISTRICT OF NEVADA**

4 UNITED STATES OF AMERICA,

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6 v.

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9

Case No. 2:19-MJ-935-BNW

ORDER

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11 **IT IS ORDERED** that the status check hearing currently scheduled on March 11, 2021
12 be vacated and continued to May 20, 2021, at 1:30 PM.

13 DATED March 3, 2021.

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16 UNITED STATES MAGISTRATE JUDGE
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